

**Task Force Security and Investigations and Local 1,  
The Independent Brotherhood of Security Em-  
ployees, Guards and Watchmen of America.  
Case 22-CA-18578**

August 22, 1994

**SUPPLEMENTAL DECISION AND ORDER**

BY CHAIRMAN GOULD AND MEMBERS STEPHENS  
AND DEVANEY

On September 24, 1993, the National Labor Relations Board issued a Decision and Order,<sup>1</sup> *inter alia*, ordering Task Force Security and Investigations, the Respondent, to make whole certain individuals for loss of earnings and other benefits resulting from the Respondent's refusal to employ them in violation of the National Labor Relations Act.

A controversy having arisen over the amount of backpay due discriminatees, on March 31, 1994, the Regional Director for Region 22 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. On April 22, 1994, the Respondent acknowledged receipt of the compliance specification and requested an extension of time to file an answer. By Order dated April 25, 1994, the Region extended the Respondent's time to file an answer until May 12, 1994. On May 11, 1994, the Respondent petitioned the United States Court of Appeals for the Third Circuit for extraordinary relief in the form of a writ, remanding for consideration of motion to reopen the Board's Order and application for stay of the Board's compliance proceedings. By letter dated May 11, 1994, the Region extended the Respondent's time to file an answer until May 18, 1994. In anticipation of the court's ruling on the Respondent's petition and application for stay, the parties agreed temporarily to suspend the May 18, 1994 deadline for filing an answer. The Region, by letter dated May 23, 1994, set a deadline of May 27, 1994, for the Respondent to file an answer. By letter dated June 2, 1994, the Region informed the Respondent that unless an answer to the compliance specification were received by June 6, 1994, a Motion for Summary Judgment would be filed. On June 28, 1994, the court dismissed the Respondent's petition and denied the Respondent's application for stay of compliance proceedings. Although properly

served with a copy of the compliance specification, the Respondent has failed to file an answer.

On July 5, 1994, the General Counsel filed with the Board a motion to transfer case to the Board and for summary judgment, with exhibits attached. On July 8, 1994, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

**Ruling on the Motion for Summary Judgment**

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. In his Motion for Summary Judgment the General Counsel inadvertently cited Section 102.54(a) and (3), instead of Section 102.56(a) and (c) of the Board's Rules and Regulations. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net backpay, including medical expenses, due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent of said amounts to the discriminatees, plus interest accrued on said amounts to the date of payment.<sup>2</sup>

<sup>1</sup> 312 NLRB 412.

<sup>2</sup> Member Devaney dissented from the Board's granting the General Counsel's Motion for Summary Judgment in the unfair labor practice proceeding in this case. He therefore dissents from the granting of the present Motion for Summary Judgment.

## ORDER

The National Labor Relations Board orders that the Respondent, Task Force Security and Investigations, Newark, New Jersey, its officers, agents, successors, and assigns, shall make whole the individuals named below, by paying them the amounts following their names, plus interest and minus tax withholdings required by Federal and state laws:

Willie France	\$36,217.79
Donald Hall	41,929.47
Hakim Razzaq	34,634.85

Dated, Washington, D.C. August 22, 1994

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William B. Gould IV,	Chairman
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James M. Stephens,	Member
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Dennis M. Devaney,	Member
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(SEAL) NATIONAL LABOR RELATIONS BOARD